



2011

Idaho Forest Practices Year-End Report



Developed and Submitted by

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Introduction

The Idaho Forest Practices Act (FPA), which was originally passed into Idaho law in 1974, is a statute that encourages sustainable, forestry-related operations on Idaho forestlands. The FPA, and the associated administrative rules (Forest Practices Rules), were developed and modified to promote active forest management, enhance the ecological and social benefits derived from Idaho forestlands, and maintain and protect vital forest resources. The Best Management Practices (BMPs) defined within the Forest Practices Rules are designed to protect water quality, wildlife habitat and forest health, and to enhance tree growth and vigor. These BMPs, in part, provide assurance to the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) that Idaho is meeting the water quality standards prescribed for the state as harvesting, burning, planting and the transporting of forest products are carried out.

The Idaho Forest Practices Act Advisory Committee (FPAAC) is the body of professionals and concerned citizens charged with providing direction and leadership in the promulgation of new and revised administrative rules. The Idaho Department of Lands (IDL) is the agency which is statutorily charged with administering and enforcing the FPA and the Forest Practices Rules.

IDL has a Memorandum of Understanding (MOU) with the Idaho Department of Water Resources (IDWR). Pursuant to the MOU, IDL is granted the authority to permit and inspect specific stream-channel crossing structures installed as part of a defined forest practice. Each year, IDL provides stream-crossing installation information to IDWR related to these crossings.

In Idaho, Forest Practices (FP) inspections are carried out by IDL Private Forestry Specialists (PFSs) along with a few part-time inspectors who assist the PFSs during the summer and fall. These PFSs fill out a detailed, comprehensive inspection form during every field visit. This completed inspection form is submitted to the Forest Practices Program Manager for inclusion in the statewide FP inspections database; this database provides a majority of the data and information exhibited in this 2011 report.

Every month, the Forest Practices Program Manager compiles and distributes a month-end summary of inspections which have taken place during a given month. This monthly report primarily identifies unsatisfactory conditions which have been issued on *private-land* and *state endowment-land* harvesting operations.

Each January, the Forest Practices Program, administered by the IDL Bureau of Forestry Assistance, collects and compiles data from the previous calendar year to provide land managers, forestry professionals and other interested parties an overall picture of the forest practices inspection activities that have occurred on ***private*** forestlands. (For the purposes



exhibited in this report, *private* forestlands include mostly industrial and non-industrial private forestlands, but can include a few county, municipal or other-than-endowment state forestlands).

The Stream Channel Alteration Permit (SCAP) activities were recorded by each PFS and year-end SCAP data was sent to the Bureau upon request. Data showing the total number of Forest Practices *Notifications* submitted for forest practices conducted on both state and private forestlands was collected from the IDL Fire Management Bureau.

Every four years, to monitor BMP compliance during harvesting operations, IDEQ administers and carries out a water-quality audit of recently completed harvesting operations containing Class I streams. The most recent audit, during the summer of 2008, was conducted on 43 sites including industrial private, nonindustrial private, state, and Forest Service ownerships. Overall, the audit revealed that compliance rates were generally very high. The audit report can be accessed at this site:

http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/forest_practices_water_quality_audit_2008.pdf. The next quadrennial water-quality audit will be conducted this coming summer and fall in 2012.

At the start of 2009, IDL employed 14 PFS positions and eight seasonal (temporary) positions, all providing Forest Practices inspections across the state. As of June 2010, IDL had eight full-time PFSs on staff, assisted by six seasonal Forest Practices inspectors. During most of 2011, IDL employed nine PFSs statewide, with seven part-time inspectors assisting them.

The number of Forest Practices *Notifications* submitted for operations conducted on both state and private forestlands show that timber-harvesting activity stayed relatively level in 2011 compared to 2010, with total Notifications totaling 1821, only a 1.7% increase from 2010. 2011 inspections show an equal—and continued high—rate of rule compliance across all forest-practices inspections performed in 2011; 97% of all inspections performed last year were on operations found to be completely compliant with all Forest Practices Rules.

During 2011, the IDL Forest Practices Program was active in keeping the agency and other forest-management partners informed of multiple court opinions and new state and federal administrative rules dealing with regulatory issues which could potentially affect forest management. The EPA-issued Pesticide General Permit (PGP), a Ninth Circuit Court of Appeals decision regarding potential logging-road NPDES permitting requirements, and a new federal rule modifying the definition of *Waters of the US* are just a few of the legal occurrences that have demanded analysis and forethought during 2011. In addition, throughout 2011, the Forest Practices Program has been active in acquiring data and contracting modeling scientists to assist FPAAC in crafting—and justifying—a defensible, science-based streamside tree-retention rule.

Forest Practices Notifications

Private and State Forestlands—Notification and Compliance Submissions

Before commencing any rule-defined *forest practice* (commercial or non-commercial) on private or state timberlands, an *Operator* (responsible for the forest-practice implementation and compliance with Forest Practices Rules) must file a Forest Practices *Notification*; non-commercial forest practices require the submission of a *Notification* unless the harvested wood will be solely used for the landowner's/harvester's personal use. If the forest practice is a commercial operation, then a Hazard Management Agreement (*Compliance*) must also be submitted and signed by the *Contractor* (responsible for rule-compliant slash management). Slash hazard mitigation on commercial operations must be inspected and a clearance issued following harvesting and site-preparation operations. The *Notification* and the *Compliance* are both contained in the same one-page form, requiring distinct signatures from both the *Operator* and the *Contractor*.

The total number of *Notifications/Compliances* submitted statewide in 2010, for operations on **private and state (endowment) forestlands**, is **1821**, a 1.7% increase from the 1790 *Notifications* submitted in 2010, and a 42% increase from the 1282 total *Notifications* submitted in 2009. This 2011 total demonstrates an almost-equal amount of harvesting activity statewide, from 2010 to 2011. *Table 1* shows a breakout of *Notifications/Compliances* submitted in 2006 through 2010, broken out by IDL **Fire Protection Districts** (not by IDL Supervisory Areas).

Fire Prot. District	2006	2007	2008	2009	2010	2011
Priest Lake	80	109	75	39	49	42
Kootenai Valley	369	336	295	111	152	149
Mica	532	598	377	195	262	260
Pend Oreille	775	884	578	295	408	380
Cataldo	164	189	89	60	70	65
St. Joe	576	493	321	210	263	340
Ponderosa	234	255	157	71	120	121
Maggie Creek	109	106	62	27	59	47
Craig Mountain	117	120	61	49	72	59
Southwest	72	51	21	25	30	30
Eastern Idaho	9	16	9	3	7	6
SITPA	107	102	46	35	65	63
CPTPA	<u>301</u>	<u>259</u>	<u>175</u>	<u>162</u>	<u>233</u>	<u>259</u>
TOTAL	3445	3518	2266	1282	1790	1821

Table 1. Total Forest Practices Notifications/Hazard Management Agreements (Compliances) Submitted Each Year, 2006-2011, including operations conducted on both state and private forestlands.

Private Forestlands—Notification Submissions

The total number of (Forest Practices) *Notifications* submitted on **private lands** for 2011 is **1561**. These include all *commercial operations*, *non-commercial operations which generate slash*, and *cost-shared activities* which constitute a *forest practice*. *Notifications* totaled in this **private lands** category include operations conducted on industrial and non-industrial private forestlands.

In addition to those noted above, **14** fuels-reduction or forest-health-improvement operations, all qualifying as *forest practices*, were conducted on private lands under a federal stimulus project or with the aid of federal hazard-reduction grant funds. These notifications were submitted to IDL via a report as part of Memoranda of Understanding with associated counties. Eighty-four (**84**) forest practices inspections were performed on these 14 operations.

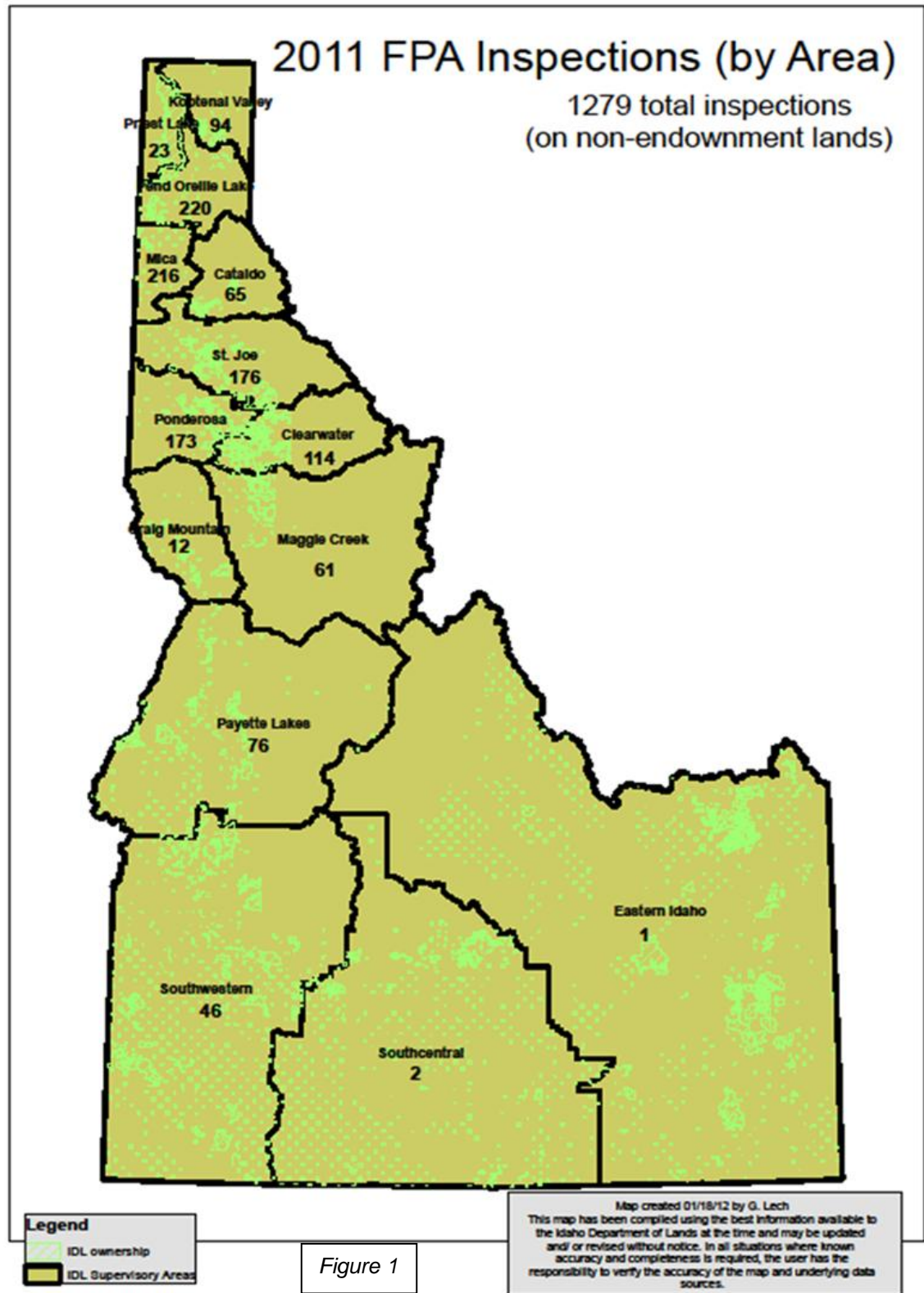
Forest Practices Inspection Reports

Frequency and Location of Inspections

Once the Forest Practices *Notification* is on file in the local IDL Area Office, the Private Forestry Specialist (PFS) begins the process of scheduling on-site inspections. The current goal is to inspect at least 50% of all forest-practice operations that have a *Notification* on file. Inspections may be performed multiple times on the same operation, depending on the observed site conditions and/or upon request of the *Operator* or landowner. *Notifications* indicating the presence of a Class I stream in or adjacent to the operational area may trigger the PFS to conduct inspections at a higher priority. Depending on the characteristics of any particular operation, PFSs may use other site-specific criteria to prioritize inspections, including the presence of Class II streams, unstable soils or slopes greater than 45% in gradient.

During 2011, IDL PFSs performed **1279** total Forest Practices inspections of operations on *private* forestlands.

Figure 1 shows a spatial representation of all Forest Practices inspections performed on private forestlands in 2011, broken out by IDL Supervisory Area. 76% of all private-land *inspections* were carried out on operations occurring in the eight northern IDL Supervisory Areas (north of the North Fork and main stem of the Clearwater River). This parallels the proportion of *private-forestland Notifications* submitted on operations north of the Clearwater River, compared to south; 81% of the 1561 total *private-land Notifications* represented operations occurring in these eight northern Areas.



Rule Compliance

Figure 2 shows a comparison of the total number of 2010 and 2011 Forest Practices inspections performed, and also the breakdown of those inspections into satisfactory reports (inspection reports indicating compliance with all rules inspected) and unsatisfactory reports (inspection reports indicating an infraction of at least one rule).

Figure 2 shows that, out of the **1279** total inspections performed in 2011, the number of inspection reports containing all-satisfactory conditions was **1241** (*Total Satisfactory Inspections*); this demonstrates that **97%** of all inspections performed in 2011 were in total compliance with the Forest Practices Rules (including sites that were found satisfactory in post-unsatisfactory inspections after they were brought into full compliance through remediation). This rule-compliance rate equals the 2010 compliance rate, indicating that Idaho has maintained the exact same high rate of rule compliance throughout the state, from 2010 to 2011. This total number of inspections (1279) encompasses *all* inspections, including inspections performed multiple times on the same operation.

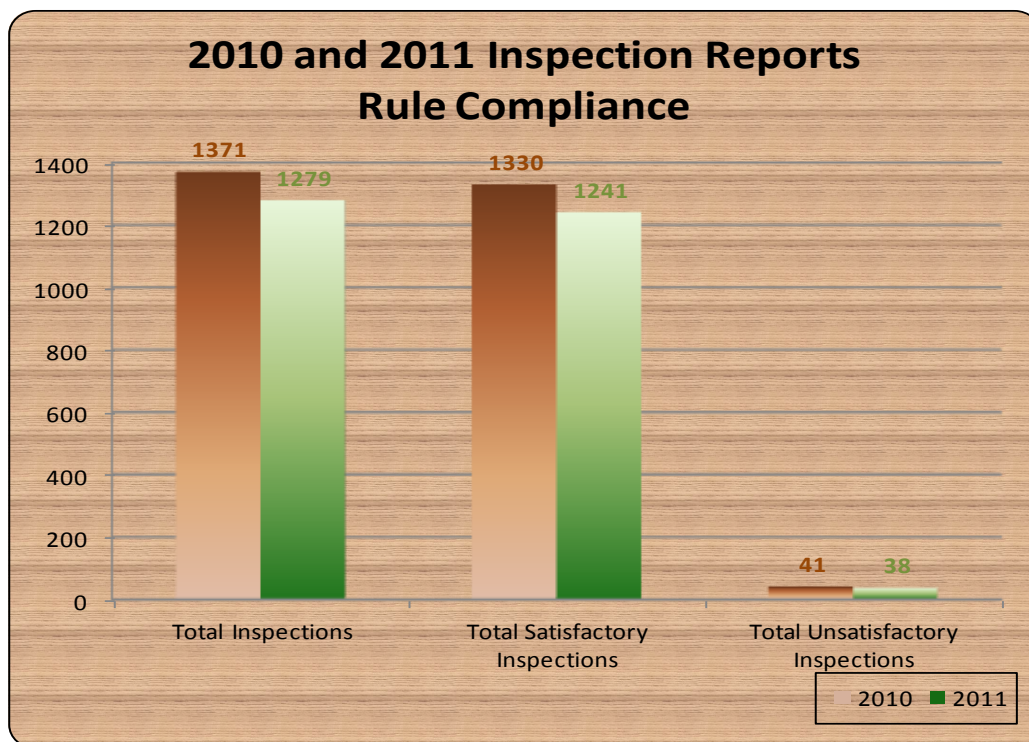


Figure 2

(Note: Discrepancies between 2010 totals reflected in Figures 2, 5 and 6, and the 2010 totals listed in the 2010 Forest Practices Year-End Report are a result of 2010 inspection-report submissions that occurred after the publication and distribution of the 2010 report.)

Within these 1279 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 38, 3% of the total inspections performed.

Figure 3 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports. (To see the individual administrative rules listed, visit this site to view the Forest Practices Rules: <http://adm.idaho.gov/adminrules/rules/idapa20/0201.pdf>) Within the 38 unsatisfactory inspection reports, there were a total of 92 different rule infractions cited. The most frequently infringed rules were the 030.03 Stream Protection rules (16% of infringed rules), the 030.05 Drainage Systems rules (14% of infringed rules), and the 040.04 Road Maintenance Rules (12% of infringed rules). The number of Stream Protection rules infringed decreased from 23 in 2010 to 15 in 2011, showing a decrease of equipment and trail usage within the SPZ.

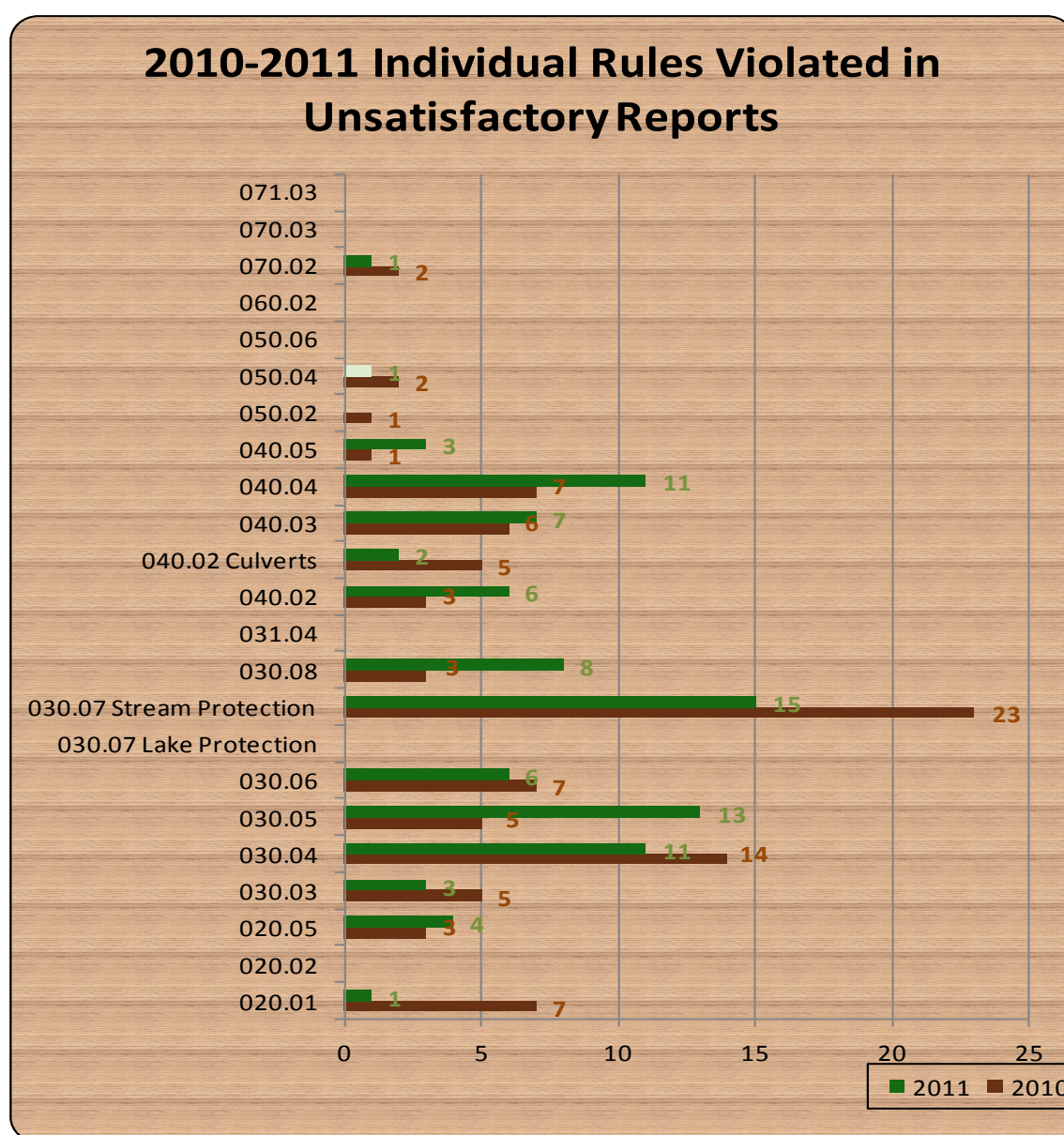


Figure 3

There were increases in the number of infringed Drainage Systems and Road Maintenance rules, from 2010 to 2011. Most of the 13 reported violations of Rule 030.05. (rules dealing with road and trail drainage requirements) dealt with the absence of needed drainage structures (e.g., waterbars and cross-ditches); an infraction of this rule generally reflects an inspection during which a PFS observed an increased risk of sediment delivery to creeks due to a lack of drainage structures.

Attributes of Inspected Sites

Of the 1279 total inspections, 398 (31.1%) were performed on operational areas containing a Class I stream (fish-bearing or domestic-water supplying). In addition, 756 (59.1%) of the total inspections were conducted on sites with Class II streams in or adjacent to the forest-practice operation. 367 (28.7%) of the inspections occurred on operations containing steep slopes, and 26 (2%) of the inspections indicated that a conversion in land use was occurring in, or around, the operational area. As these data show, it is not unusual for one operational area to contain both Class I and Class II streams, as well as steep slopes. *Figure 4* exhibits these specific site attributes of the inspected areas.

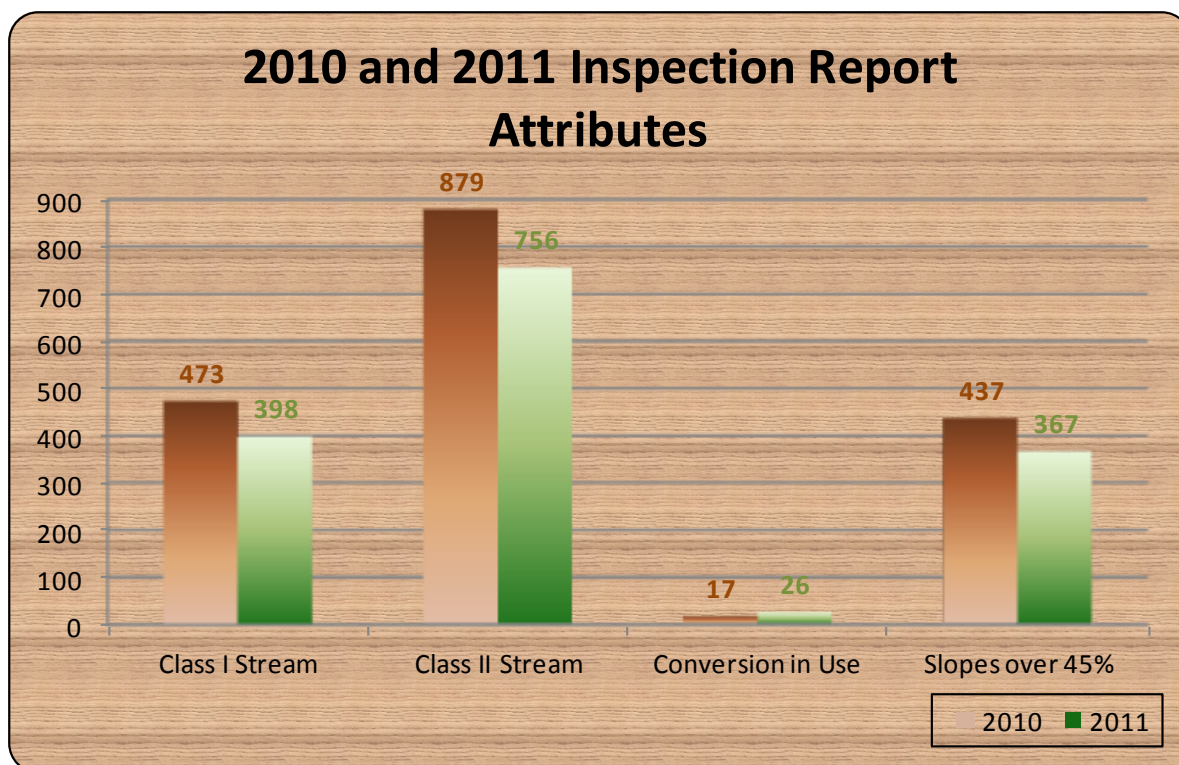


Figure 4

Individual Operations Inspected

The total number of inspection reports includes repeat and follow-up inspections on the same operation. There were actually **999 distinct operations** (forest practices) that were inspected in 2011. A comparison of distinct *operations* inspected in 2010 and 2011 is shown in *Figure 5*.

Approximately 64% of all operations on *private* forestlands received at least one inspection in 2011, exceeding IDL's statewide goal of inspecting 50% of the operations with a *Notification* on file. (*Note: Many of the 2010 inspections were performed on sites with Notifications submitted in previous years, and many of the late-year Notifications did not receive inspections until after the start of 2011. However, this year-to-year carry-over remains somewhat constant over the years, and IDL consistently looks at the number of inspected operations compared to the total number of private-forestland Notifications submitted.*)



Figure 5

Of these 999 total distinct operations receiving at least one inspection, 970 (97%) received inspection reports in which all aspects of the operation were deemed *satisfactory* and in compliance with the Forest Practices Rules. Only 29 operations received at least one inspection report in which at least one *unsatisfactory condition* (rule infraction) was issued.

IDL's PFSs continue to prioritize inspections of operations containing Class I (fish-bearing) streams, followed by secondary prioritization of operations containing Class II streams. *Figure 6* shows the number of inspected *operations* being performed in an area containing (or adjacent to) a Class I or Class II stream. Of the 999 total (distinct) *operations* inspected, 276 (28%) of the operational areas contained a Class I stream, and 539 (54%) contained a Class II stream. 24 inspected operations indicated a conversion in land use, and 264 (26%) of the inspected operations contained steep slopes. These amounts of inspected site characteristics relative to the total number of inspected operations have remained fairly consistent from 2010 to 2011, with a slight increase in reported conversions in use.

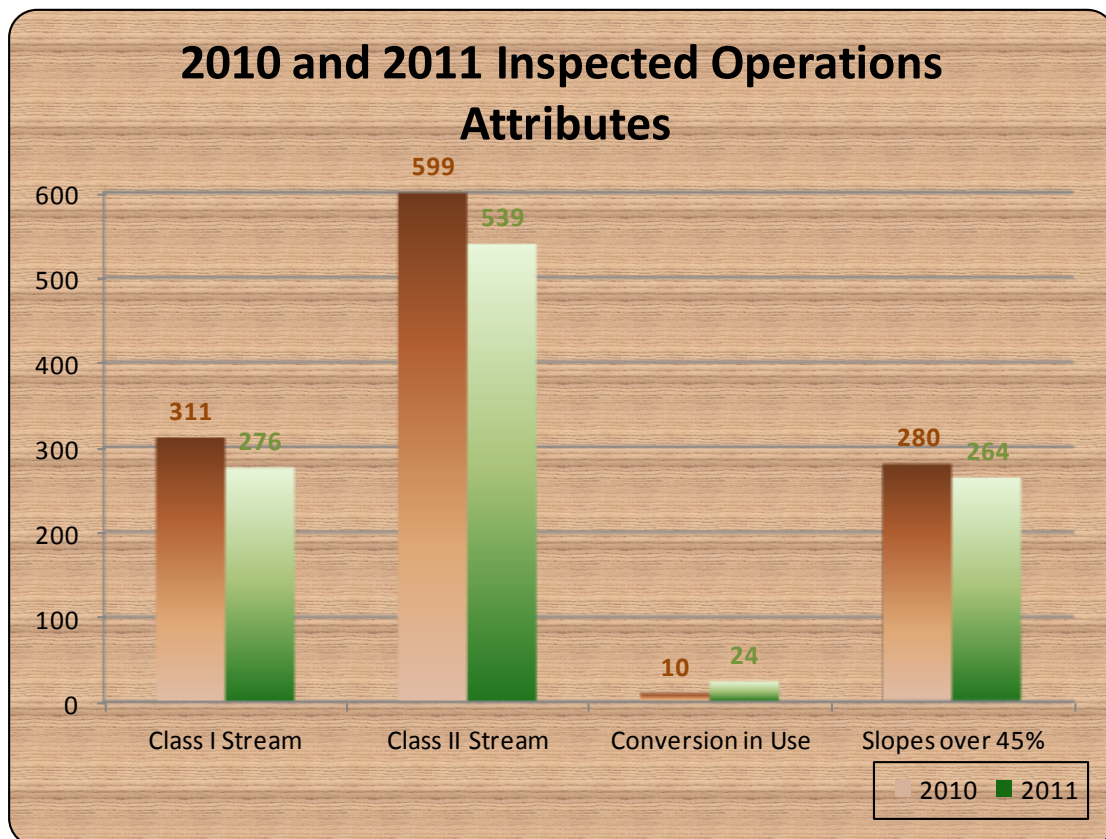


Figure 6

Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. In 2011, two (2) NOVs were issued, a slight increase from no (0) NOVs issued in 2010 and the one (1) NOV issued in 2009. However, this 2011 total still represents a significant decrease from the seven NOVs issued in 2007, and a slight decrease from the three NOVs issued in 2008.

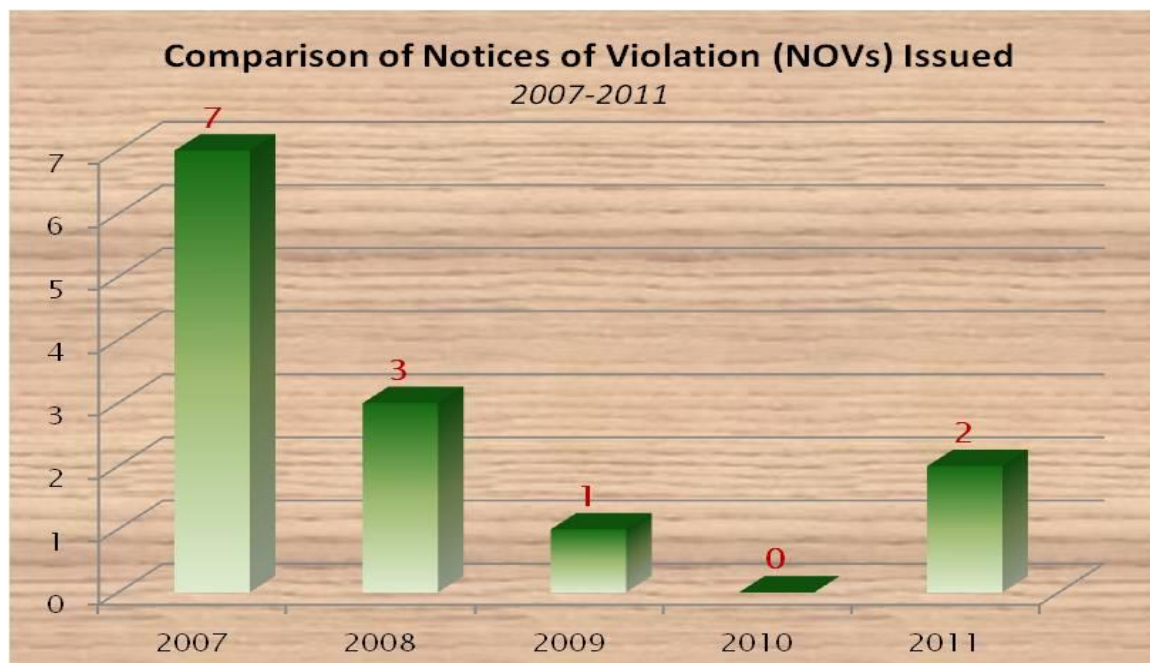


Figure 7

The IDL Forest Practices Program continues to observe that Idaho's *Logger Education to Advance Professionalism* (LEAP) training sessions have provided targeted education to loggers statewide, enhancing awareness of the Forest Practices Rules and needed compliance with these Best Management Practices. These classes continue to be well attended and up-to-date in containing current forest-practices issues which affect loggers.

Also, most of the larger industrial forestland owners who have actively managed timber over the last five years are all either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC) certified, and all have been vigilant in ensuring that operations occurring on these certified forestlands are in full compliance with both the Forest Practices Rules and the standards set forth by their certification organizations. Both NOVs issued in 2011 were issued to Operators working on non-industrial private forestlands.

Figure 8 shows the specific rule violations contained within the two NOVs issued in 2011.

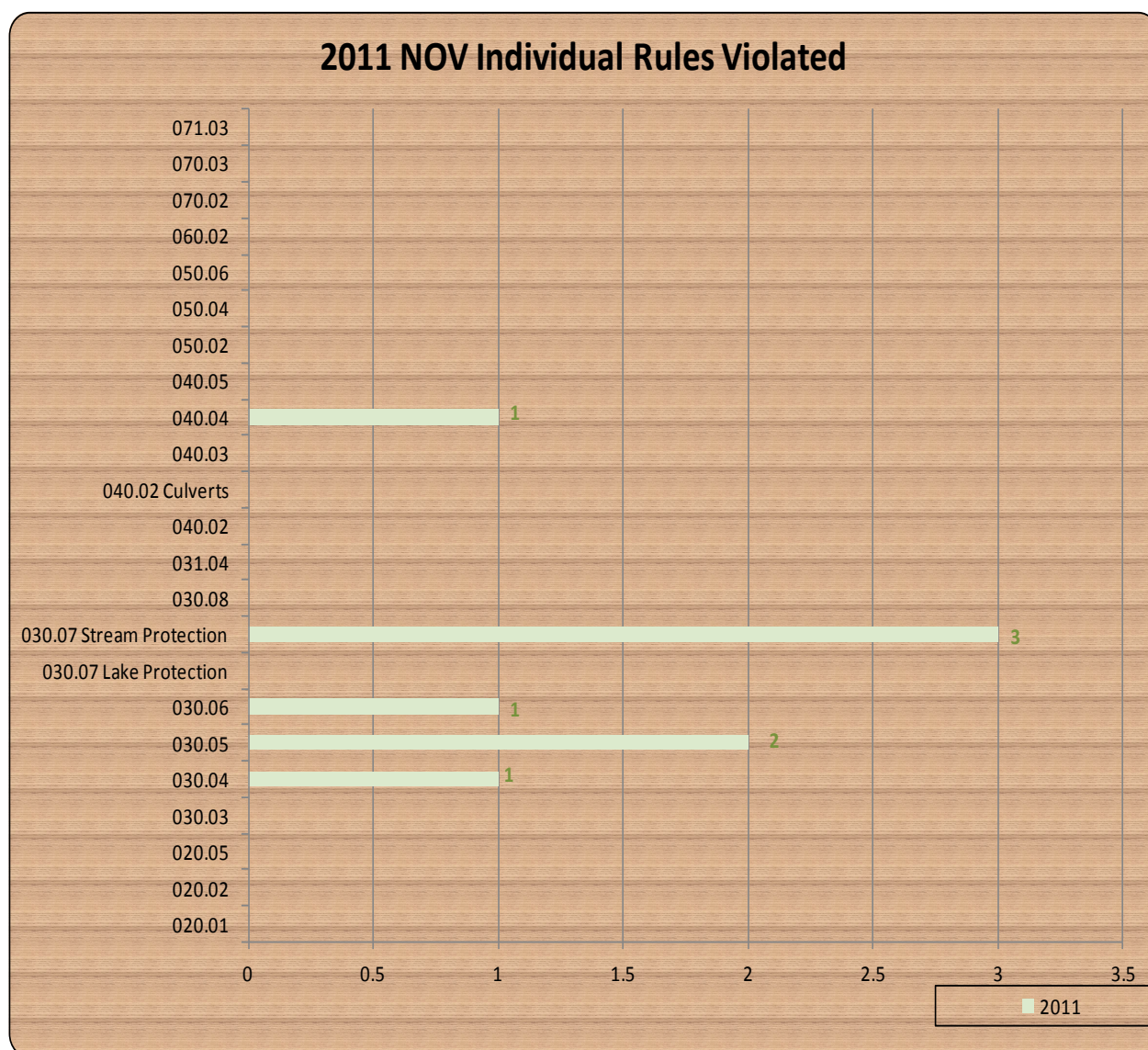


Figure 8

Complaints Made to IDL

While operations are commencing on private forestlands, neighboring landowners, individuals from nearby communities or interested organizations occasionally voice concerns or complaints to personnel at their local IDL Area Offices. These complaints are fielded and addressed by IDL Private Forestry Specialists (PFSs). Complaints range from perceptions of resource degradation to concerns over aesthetics.

The PFSs analyze each complaint and decide whether or not the complaint can be addressed by checking compliance with the Forest Practices Rules; if so, a site visit is usually performed. One-hundred four (104) FPA-related complaints were fielded by IDL Area Offices (mostly by PFSs) in 2011; over half of these complaints were fielded by the Mica Area Office. The number of FPA-related complaints received by each IDL Area Office is shown in *Figure 9*.

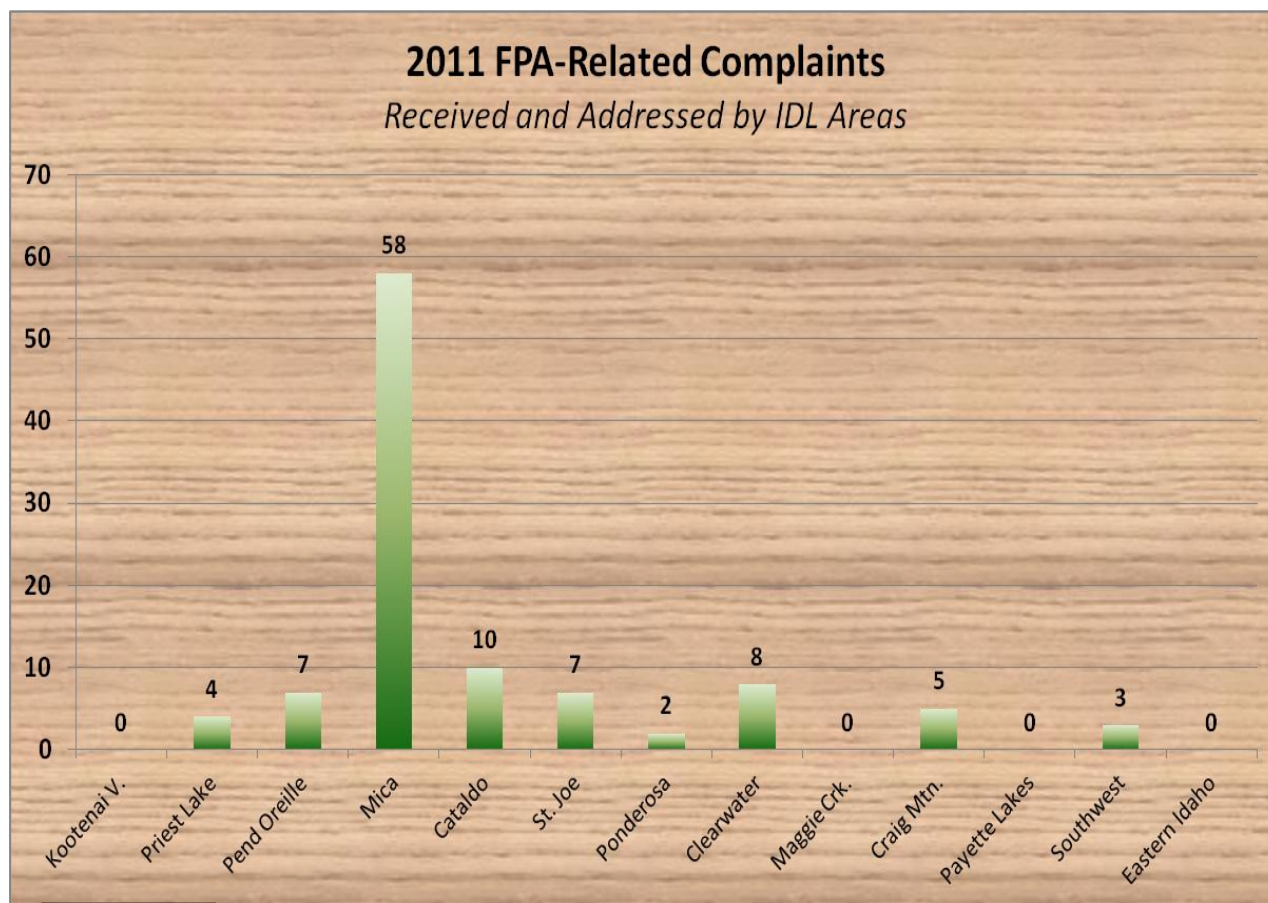


Figure 9

Variances

IDL may grant a *variance* when an *Operator* demonstrates that acting under a modification of a Forest Practices Rule is necessary to successfully complete a forest practice. A variance is granted when, in the course of carrying out a forest practice, it is shown that an activity done in non-compliance with a rule will result in less or equal resource damage than operating within full compliance with the rules. Each variance request is carefully analyzed by an IDL Private Forestry Specialist. A final decision regarding the granting of a *variance* is made by the IDL Area Manager after consulting with the Private Forestry Specialist. *Figure 10* shows a 2010-2011 comparison of the number of variances granted statewide. 71 variances were issued on private forestland operations in 2011.

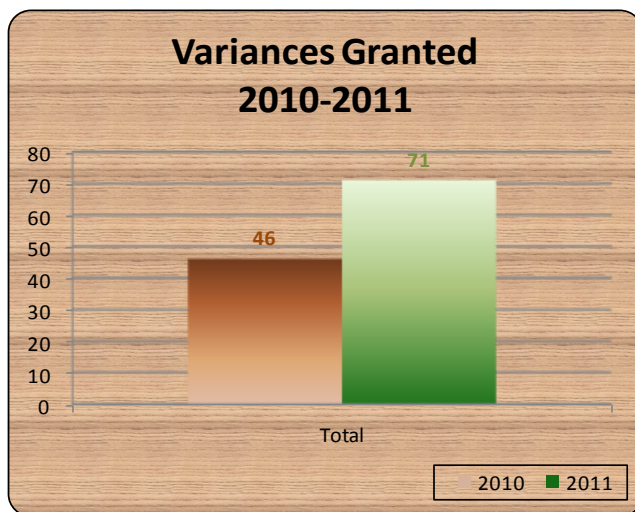


Figure 10

Figure 11 illustrates the types of rules from which variances were requested. Most of these requests for variances deal with the desire to use existing trails or roads within a Stream Protection Zone. Variances of this nature were only granted if it was demonstrated to IDL that use of existing roads or skid trails (within the protected riparian area) was necessary to carry out the operation, that it would result in no additional degradation to the soils, water quality and fish habitat within the watershed, and that the use of these trails (or roads) would result in less sediment delivery than constructing new transportation systems outside of the Stream Protection Zone.

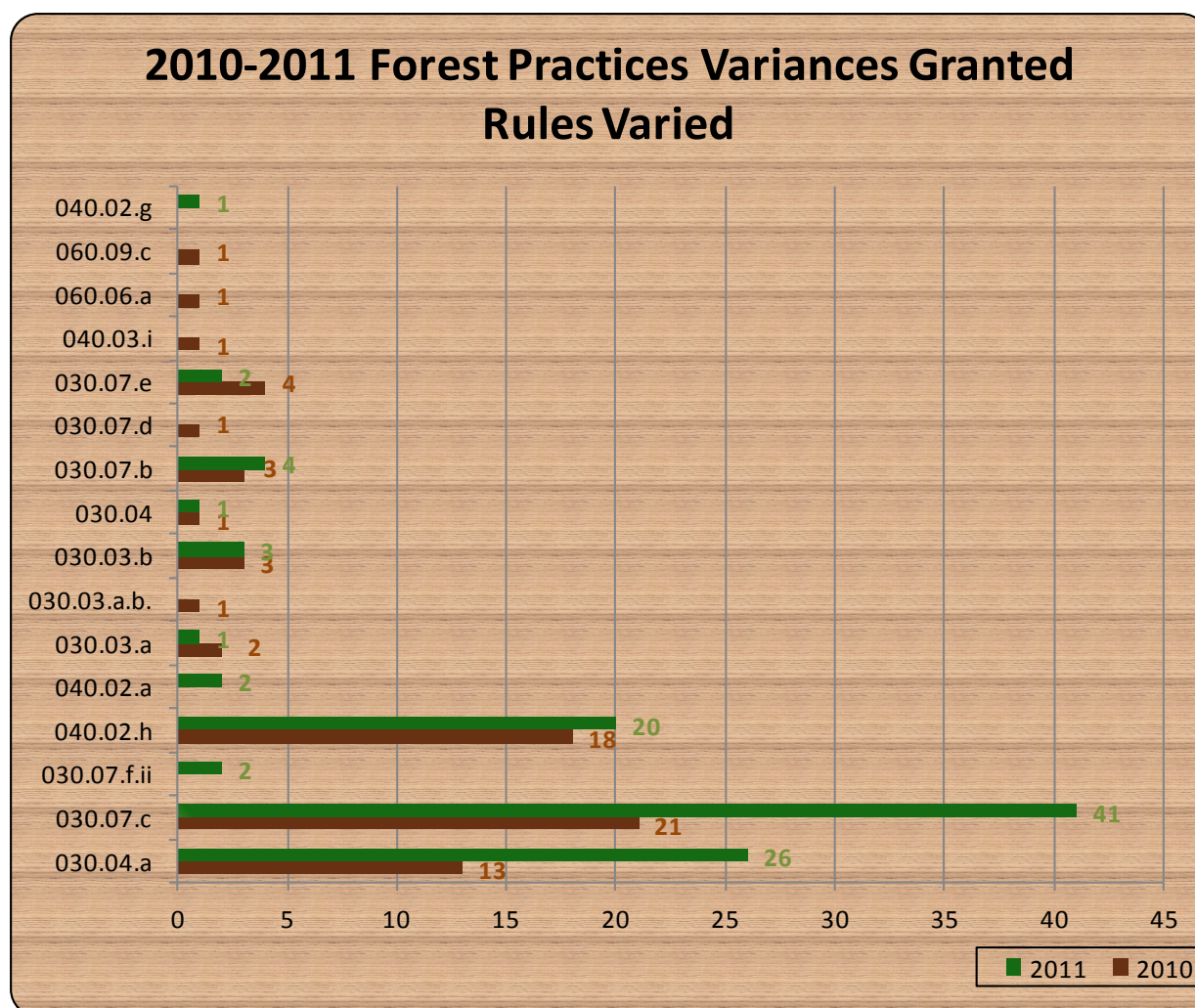


Figure 11

Stream Channel Alteration Projects Administered by IDL

In accordance with an MOU between IDL and the Idaho Department of Water Resources (IDWR), IDL Private Forestry Specialists have the authority to approve and administer applications for culvert, bridge and ford installations, re-installations and removals on private lands, so long as the stream-channel alteration projects are part of a defined *forest practice*, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria.

Fifty-two (**52**) total stream-channel alteration applications were received by IDL statewide in 2011, the exact amount received in 2010. A project application, submitted to IDL on a supplemental form, may contain multiple installations in close proximity to each other (e.g., three culvert installations on one stream segment within one operational unit). *Figure 12* shows the number of stream-channel-alteration projects reviewed, administered and inspected by each IDL Area Office in 2010 and 2011.

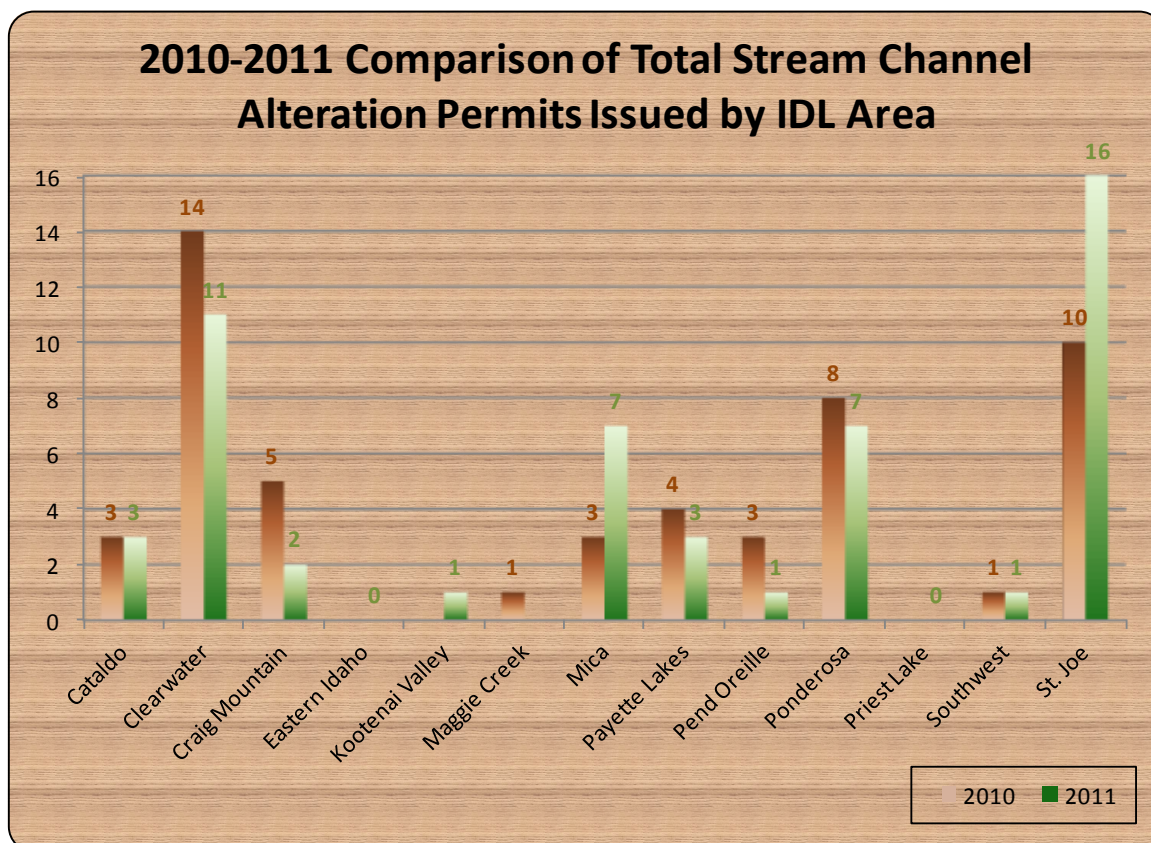


Figure 12

Summary

The 97% rule-compliance rate, and the 97% rate of all-compliant, distinct operations, both reflect Idaho's continued commitment to support, promote and carry out active forest management while protecting important wildlife habitats, stream channel integrity and water quality throughout Idaho.